IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
HOLDEN AT LUSAKA
(Civil Jurisdiction)

2026/HP/EP/ 016

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
2 8 AUG 2026
PRINCIPAL REGISTRY
P.O. BOX 50067, LUSAKA

IN THE MATTER OF: THE PARLIAMENTARY ELECTION PETITION FOR MWENZO CONSTITUENCY SITUATE IN THE NAKONDE DISTRICT IN THE MUCHINGA PROVINCE OF THE REPUBLIC OF ZAMBIA FOR ELECTIONS HELD ON 13TH AUGUST 2026

AND

IN THE MATTER OF: ARTICLE 73 (1) OF THE CONSTITUTION OF ZAMBIA AS READ WITH SECTION 98 (C) OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016

AND

IN THE MATTER OF: SECTION 83 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016

AND

IN THE MATTER OF: SECTION 97 OF THE ELECTORAL PROCESS ACT NUMBER 35 OF 2016

AND

IN THE MATTER OF: SECTIONS 98, 99 AND 100 OF THE ELECTORAL PROCESS ACT NO.35 OF 2016

AND

IN THE MATTER OF: THE SCHEDULE TO THE ELECTORAL PROCESS ACT NO 35 OF 2016

AND

IN THE MATTER OF: THE ELECTORAL (CODE OF CONDUCT) REGULATIONS 2011 STATUTORY INSTRUMENT NO.52 OF 2011

AND

IN THE MATTER OF: THE ELECTORAL COMMISSION OF ZAMBIA ACT NO. 25 OF 2016

BETWEEN:

MUSINGWA NATHAN SIAME — **PETITIONER**

AND

LUKA SIMUMBA — **1ST RESPONDENT**

THE ELECTORAL COMMISSION OF ZAMBIA — **2ND RESPONDENT**

PETITION

The humble Petition of **MUSINGWA NATHAN SIAME** of Kasichila Village, Mwenzo, Nakonde District, Muchinga Province of the Republic of Zambia **SHOWETH** that: -

1.1 Your Petitioner is **MUSINGWA NATHAN SIAME**, who was a candidate in the Parliamentary election for the Mwenzo Constituency situate in the Nakonde District of the Muchinga Province of the Republic of Zambia having duly filed her nomination in May, 2026.

1.2 The Mwenzo Parliamentary Constituency consists of seven (7) Wards, namely: Ikumbi ward, Musyani Ward, Popomozi Ward, Ng'umba Ward, Luchinde Ward, Mulalo Ward and Mwanga Ward with 62 Polling Stations and with a total of about 36,457 registered voters.

1.3 The Mwenzo Parliamentary Constituency is wholly in Nakonde District and was engulfed by violence and a variant nature of electoral malpractices and other conduct proscribed by the Electoral Code of Conduct perpetuated by the 1st Respondent herein and his agents and supporters who included National Restoration Party for Unity and Prosperity (NRPUP).

1.4 Two political parties validly filed their nominations for the said elections, namely: The United Party for National Development (UPND) whose candidate was **MUSINGWA NATHAN SIAME** (male); the National Reconciliation Party for Unity and Prosperity (NRPUP) whose candidate was Luka Simumba (male).

1.5 The campaigns in Mwenzo constituency were characterized by violence, electoral malpractices (that included but was not limited to vote buying, donation of building materials and food supplies in various areas across the constituency, Intimidations of voters and Poll staff and the Petitioner's Polling agents, barging into polling stations without accreditations among others), undue influence that resulted from threats, intimidation of polling staff, polling agents and voters and violence and buying of votes by the NRPUP candidates that included the 1st Respondent herein which acts were done throughout Mwenzo Constituency.

1.6 The Petitioner shall state that due to the foregoing, the election was not conducted in accordance with the Constitution, the Electoral Process Act, the Electoral Code of Conduct, applicable regulations, the official election timetable, and the lawful directions of the Commission. The Petitioner pleads that violence, the other aforesaid malpractices are and were capable of interfering with the free exercise of the franchise at all material times during the campaign period and at polling stations on the election day in Mwenzo Constituency. More particularly, the Petitioner states that the incidents were as follows: -

(a) At identification and training of the Poll Staff, the 1st Respondent interfered with this part of the electoral process by demanding inclusion of his own people which he did.

(b) The 1st Respondent, his agents and/or Supporters did on 13th August, 2026, while the electoral process was still ongoing, engage in violence and other electoral malpractices against people going to vote within hundred meters from the polling stations where the voters were intimidated and forced to vote for **LUKA SIMUMBA** while other eligible voters were stopped from entering the polling station to vote when suspected to be more neutral. Furthermore, voters were bribed by giving them money, gifts and promises to influence their votes to vote for **LUKA SIMUMBA**.

(c)The 1st Respondent and his agents and supports engaged in harassment and intimidation of Poll Staff for the 2nd Respondent if they dared to objectively handle the elections by being transparent.

(d) The 1st Respondent was distributing gifts such as pens wrapped with money to voters before the voters could go in to cast their votes at various polling stations while subtly telling them that inside the polling station, there were cameras that would show how they would have voted and promised punishment against any dissidence.

(e) The 1st Respondent hired foreigners and some Zambian nationals who were instilling fear in voters along the border polling stations such as Ntindi, Yolo and Chiyanga polling stations, where the Petitioner had support, with the result that out of the total registered voters of about 15,086, only about 2000 voted.

(f) The 1st Respondent, his agents and his supporters moved with weapons at polling stations while intimidating voters and polling staff. In some places, known persons who moved together with the first Respondent while monitoring elections were moving while exposing guns by their waists.

(g) The 1st Respondent's polling agents and supporters remained within 100 meters of each polling station after voting while openly campaigning for the 1st Respondent and the other NRPUP candidates vying for election by the electorate in the constituency at the material time.

(h) The Petitioner states that for some polling stations, police were called in to help the situation by the 2nd Respondent polling staff to avert the ongoing illegalities.

(i) In some instances, the 1st Respondent's polling agents and supporters who remained at the polling Station after voting stormed into the polling stations in numbers without accreditation and/or authorization, to the detriment of the other innocent participants including the Petitioner herein.

(j) The 1st Respondent's electoral agents and supporters threatened to attack some agents for the Petitioner whom they forced out of the polling

stations eventually, leaving the station not adequately manned to cover inter-alia the Petitioner's interests, in some instances, in full view of the police officers engaged as poll staff.

(k) The 1st Respondent and his agents and supporters, breached the electoral code to the Petitioner's detriment when he and his supporters barged into polling stations to manipulate the electoral process, namely by 09:00/10:00hrs during voting at Tenga and Mwenzo polling stations in Musyani Ward and around, 20:00/21:00hrs in Mukalizi, Mulalo Ward, during the counting of votes.

(l) The incidents pleaded above created fear and insecurity, deterred or disrupted the free participation of voters and/or agents, and affected or may have affected the integrity of the election and the result. The Petitioner will rely on witness testimony, polling-agent testimony and other testimony, police or other official reports, photographs and/or recordings lawfully obtained, and the Commission's election materials.

(m) In some polling stations, the 2nd Respondent tolerated, by its agents, very well known media persons to be flashing the NRPUP symbol inside and around the polling station without restraint, a thing that caused concerned parties to escalate the matter to management for their removal.

(n) Before election day, the 1st respondent by himself and his agents and supporters engaged in buying of voters' cards to disfranchise known non sympathizers. The matter was reported to police and a docket was opened.

1.7 The aforesaid acts of illegalities specifically and/or particularized in the foregoing paragraphs above were carefully targeted and widespread and affected the majority voters in all the wards that constitute Mwenzo Constituency.

1.8 There was widespread non-compliance both of the Electoral Process Act and the Electoral Code of Conduct as the 1st Respondent, his agents and supporters and his sponsoring Party the NRPUP disrupted the electoral process and tempered with the counting, tabulation, transmission and/or aggregation of votes which affected the integrity of election and consequently the final result.

1.9 The Petitioner pleads that the declared result cannot safely be said to reflect the will of the people under the circumstances and cannot be accepted as such without running the danger of injustice being occasioned against the Petitioner herein.

1.10 The scale and extent of violence, intimidation and other malpractices aforesaid was so rampant and widespread on voting day and was of such unbelievable proportion that it resulted in the prevention of the majority of voters from voting for a candidate whom they preferred.

1.11 As a result of the acts of violence and intimidation unleashed by the 1st Respondent by himself and by his agents and supporters that characterized the Parliamentary election, electorates feared for their safety and the act affected the smooth running of the electoral process and apathy among others was occasioned to the detriment of the Petitioner.

1.12 The use of bribery, obstruction of voters from entering into polling stations to cast their votes uninhibited, campaigning at Polling stations by displaying party symbols within the polling station and the surrounding vicinity on the polling day by the 1st Respondent and his NRPUP sponsoring party heavily and negatively influenced the voters not to vote for a candidate of their choice.

1.13 On Saturday the 15th day of August 2026 the Returning Officer declared the Respondent Luka Simumba as duly elected Member of Parliament for the Mwenzo Parliamentary Constituency.

1.14 The results of the Mwenzo Parliamentary Elections were as follows: -

i) Luka Simumba of the National Reconciliation Party for Unity and Prosperity NRPUP received 9002 votes;

ii) **MUSINGWA NATHAN SIAME** of the United Party for National Development (UPND) received 4,075 votes;

iii) 282 votes were rejected as invalid;

iv) Total number of votes cast were 13,359

YOUR PETITIONER, therefore, prays that he be granted the following reliefs: -

(i) That it may be determined and declared by this Honourable Court that ***LUKA SIMUMBA,*** *the 1st Respondent herein, was not duly elected as Member of Parliament in Mwenzo Constituency of Nakonde District herein and that the said declaration of the said* ***Luka Simumba*** *as having been duly elected as Member of Parliament by the 2nd Respondent by its agents was* ***NULL AND VOID ABINITIO.***

(ii) An Order that the 1st Respondent be disqualified from being a candidate in the by-election for not complying with the provisions of the Constitution and the Electoral Process Act.

(iii) That the Petitioner may have such further or other relief as may be just.

(iv) That the Respondents be condemned in the costs of and occasioned by this Petition.

YOUR PETITIONER WILL EVER PRAY.

PETITIONER

DATED at Lusaka this _____ day of _____ 2026

Per: _____

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